

PATENT
Appl. No. 09/765,008
Attorney Docket No. 450100-02948

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 51 and 93 will be pending. By this amendment, claims 49, 55, 87, and 91 have been canceled. No new matter has been added.

Allowable Subject Matter of Claims 51 and 93

It appreciatively noted that claims 51 and 93 are allowed.

§ 103 Rejection of Claims 49 and 91

In Section 2 of the Office Action, claims 49 and 91 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Maillard *et al.* (EP 0 963 115; hereinafter referred to as “Maillard”) in view of Sezan *et al.* (U.S. Patent No. 6,236,395; hereinafter referred to as “Sezan”), Ellis *et al.* (U.S. Patent No. 6,774,926; hereinafter referred to as “Ellis”), Chaganti *et al.* (U.S. Patent No. 6,845,448; hereinafter referred to as “Chaganti”), Ellesson *et al.* (U.S. Patent No. 6,098,099; hereinafter referred to as “Ellesson”), Levinson (U.S. Patent No. 6,774,926), Hooper *et al.* (U.S. Patent No. 5,671,225; hereinafter referred to as “Hooper”), and Fisher *et al.* (U.S. Patent No. 5,367,686; hereinafter referred to as “Fisher”).

Claims 49 and 91 have been canceled.

§ 103 Rejection of Claims 55 and 87

In Section 3 of the Office Action, claims 55 and 87 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hendricks *et al.* (U.S. Patent No. 5,559,549; hereinafter

PATENT
Appl. No. 09/765,008
Attorney Docket No. 450100-02948

referred to as "Hendricks") in view of Maillard and Sezan.

Claims 55 and 87 have been canceled.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 51 and 93 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, are patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

PATENT
Appl. No. 09/765,008
Attorney Docket No. 450100-02948

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP

By:


Samuel S. Lee
Reg. No. 42,791
(858) 731-5000